



## United Nations vote on death penalty moratorium puts US in awkward spot

The General Assembly has passed four resolutions on an execution moratorium, with the US increasingly isolated for use

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by [Natasja Sheriff](#)

NEW YORK — The United Nations General Assembly is expected on Thursday to vote once again on a draft resolution calling for a moratorium on the death penalty, with the United States likely to become even more isolated in its support for capital punishment.

The resolution was first adopted by the General Assembly in 2007; this is the fifth time member states will vote. On Nov. 21, 114 of the 193 U.N. member states [voted](#) “yes” on the draft resolution at a session of the Third Committee, which is responsible for social, humanitarian and cultural issues. Thirty-six countries opposed the resolution.

The U.S. has repeatedly lodged “no” votes alongside countries with troubling human rights records — including China, Iran, Iraq and Saudi Arabia, the top four executing countries in 2013. The United States [ranked](#) fifth.

The [draft resolution](#) calls on states to suspend executions, with a view to abolition, and asks that countries restrict their use of capital punishment, share information about the sentencing and executions they carry out and respect international standards to protect people facing execution.

The resolution, which is nonbinding, “is a very powerful symbolic gesture for the United Nations General Assembly,” said Chiara Sangiorgio, a death penalty expert at New York-based NGO Amnesty International.

The United States [insists](#) that the decision to use the death penalty must lie with each nation and that the use of the death penalty is not prohibited under international law. The U.S. voted in support of an [amendment](#) put forward by Saudi Arabia during the meeting of the Third Committee on Nov. 21 to add a clause to the resolution recognizing the sovereign rights of individual countries; the amendment was rejected, 55 to 85.

The Chinese delegation raised similar concerns, saying, “Every country has the right to abolish or maintain the death penalty according to its domestic situation and the will of its own peoples.” The exact number of people executed in China in 2013 is unknown but is [estimated](#) to be in the thousands.

The United States is unique among Western countries for its retention of the death penalty. The last execution in Western Europe took place in France in 1977. Abolition of the death penalty is a [prerequisite](#) for membership in the European Union, comprising 28 member states. The United Kingdom abolished the death penalty in 1969, Denmark in 1978, and France in 1981.

Yet abolition movements in the United States have been underway for more than a century. Michigan abolished the death penalty in 1846 for all crimes except treason, Wisconsin in 1853, and Maine in 1887, followed by 15 more states. Maryland is the most recent addition to the list, abolishing the death penalty in May 2013, although four people remain on death row. While 32 states still permit the death penalty, only seven states are responsible for the 35 executions that have taken place in 2014, including two last week; Texas and Missouri accounted for more than half of all executions. There are [3,035 people](#) on death row in the United States.

Nationwide, the number of executions carried out annually is [falling](#), and support for the death penalty has declined, from a high of 80 percent in 1994 to 63 percent in [Gallup's](#) most recent poll. A [2011 survey](#) found that support for the death penalty is largely rooted in the idea of an eye for an eye, that the punishment should fit the crime. Only 6 percent of supporters said that they believe the death penalty had a deterrent effect on crime.

“The constitutionality of the death penalty is sustained by the idea that there’s a national consensus in favor of capital punishment as a sentence,” says Christina Swarns, litigation director at the NAACP Legal Defense and Educational Fund. “In reality, while there are multiple states with the death penalty, only a handful use it, in terms of capital charging and sentencing, and an even smaller number actually execute.”

Recent botched executions and a growing number of DNA exonerations — 321 people have been [exonerated](#) on the basis of DNA evidence since 1989, with 20 of them serving time on death row — may have prompted a shift in public opinion. Swarns said she has noticed changing attitudes in the courts. “Poll numbers aside, if you look at jury behavior, they are far more likely to reject the death sentence than in years past, [and] prosecutors are far more reluctant to seek capital prosecutions, partly because of cost but partly because people are far more cautious and concerned about condemning an innocent person.”

The U.S. [said in explaining the Nov. 21 vote](#), that while the country withholds support for the resolution, it is committed to the country’s international obligations and “strongly urge[s] other countries that employ the death penalty to do so only in full compliance with international law.”

But United Nations officials have repeatedly voiced concerns this year about the way the death penalty is applied in the United States.

Rupert Colville, a spokesman for the Office of the U.N. High Commissioner for Human Rights, [said](#) the April 9 execution of Mexican national Ramiro Hernandez-Llanas “once again places the U.S. in breach of international law, as Mr. Hernandez was not granted consular access pursuant to Article 36 of the Vienna Convention on Consular Relations.”

On Jan. 22 this year, Texas executed Mexican national Edgar Tamayo, against a [ruling](#) of the International Court of Justice.

“The attitude of the United States is rather retrograde, in a way,” said Sangiorgio. “They refuse to acknowledge that the way they have been carrying out the death penalty is against international law and standards.”

The U.S. Mission to the U.N. did not respond to requests for comment.

In May the [U.N. called for](#) an immediate moratorium on the United States’ use of the death penalty after the botched execution of Clayton Lockett in Oklahoma.

And in December the U.N. special rapporteur on extrajudicial, summary and arbitrary executions, Christof Heyns, [urged the U.S.](#) not to go ahead with the execution of Scott Panetti, who had been diagnosed with schizophrenia, saying “it is a violation of death penalty safeguards to impose capital punishment on individuals suffering from psychosocial disabilities. Implementing the death penalty under these conditions may amount to an arbitrary execution.”

A federal appeals court granted Panetti a stay of execution. Robert Holsey and [Paul Goodwin](#), executed last week, did not get reprieves.

[Andrew Prince](#), the lead lawyer for Holsey, admitted to drinking up to a quart of vodka every night during the trial. During the trial, Prince was involved in a lawsuit. He was later disbarred for stealing \$100,000 of client funds.

Stephen Bright, the president of and senior counsel for the Southern Center for Human Rights and a lecturer at Yale Law School, said a case like Holsey’s calls into question whether defendants have access to a fair trial “before a competent, independent and impartial tribunal,” as the United States says in its explanation of vote.

“It’s just wishful thinking. It’s not the reality,” Bright said. “It’s an absolute disgrace to think that somebody represented by that lawyer was sentenced to death. And then instead of correcting that, the state would go ahead and carry out the execution.”

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